Public Library Legislation
A PROPOSAL FOR PUBLIC REVIEW

Province of
British Columbia

Ministry of
Municipal Affairs,
Recreation and Culture, Hon. Lyall Hanson, Minister

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PUBLIC LIBRARY LEGISLATION FOR BRITISH COLUMBIA

A Proposal For Public Review

Honourable Lyall Hanson
Minister of Municipal Affairs,
Recreation and Culture

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It is my pleasure to release this discussion paper entitled, "Public Library Legislation for British Columbia : A Proposal for Public Review".

This publication is a landmark in the process of public consultation and policy review which began three years ago when the New Approaches Task Force on Public Libraries was appointed. The Task Force conducted public meetings throughout the province and reviewed more than two hundred submissions before making its final report to the Minister of Tourism, Recreation and Culture in April 1988.

Since public library legislation was first introduced in 1919, British Columbia has undergone fundamental social, cultural and economic changes. In many respects, our library legislation has fallen out of step with these changes. Our local governments and public libraries need a modern legislative framework to guide them into the next century.

This paper has been prepared to reflect the views which were synthesized by the Task Force and to provide another opportunity for public comment before we pursue new provincial legislation for libraries.

I sincerely hope that you will take time to give us your reactions to the recommendations embodied in the paper. Please address all correspondence, by August 1, 1990, to:

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Over the course of the summer, my staff will be consulting directly with the British Columbia Library Trustees Association, the British Columbia Library Association, the British Columbia School Trustees Association and the Union of B.C. Municipalities. Other consultations can be arranged on request.

Thank you for your interest in the future of one of this province's most precious resources, its public libraries.

Yours sincerely,

Lyall Hanson
Minister

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PUBLIC LIBRARY LEGISLATION FOR BRITISH COLUMBIA

1. PUBLIC LIBRARY SERVICES IN BRITISH COLUMBIA

Providing optimal public library services to the people of British Columbia is an unusually difficult challenge. Few jurisdictions present more complex problems of population numbers, density, dispersion, and local governance.

Over an area of 366,255 square miles, three times the land mass of the British Isles, and equal to the combined areas of California, Oregon, Washington, and Ohio, is spread a total population of almost 3,000,000, about three-quarters of whom reside in the large urban agglomerations of the lower mainland and lower Vancouver Island. These centres, which support large public libraries, are concentrated in less than one percent of the province's total land area; the remainder of the population lives mostly in small towns, villages, or unincorporated rural areas, some of them remote and difficult of access.

English is the mother-tongue of 81% of this population, but there are sizable concentrations of speakers of other languages, particularly Chinese, Punjabi, German, Italian, French, Dutch, and Ukrainian. Almost a quarter of the population consists of migrants; 6% from other provinces, and 3% from outside Canada. Another 2% of the population is made up of native aboriginal peoples.

B.C. boasts the highest literacy rate in Canada, but it also ranks third in absolute numbers of functional illiterates. An estimated 360,000 adult citizens of the province -- 17% of its adult population -- cannot read, write, or use numbers well enough to cope with the demands of an increasingly information oriented society. Many more British Columbians belong to other functionally disadvantaged groups, including the poor, the disabled, and the elderly.

British Columbia's challenge is to provide equitable access to public library service and its benefits for all the members of this disparate and widely dispersed citizenry. Local governments are instrumental in this process, since it is through their agencies that local residents can address their concerns, including the establishment, maintenance, and extension of library services.

Local government in B.C. is strong and there is typically a close relationship between officials and their constituents. As a result, local governments, including the various types of library boards, are, for the most part, extremely responsive to the needs and expressed desires of the communities which they serve.

The provision of public library service is an accepted local government activity in all parts of the province. Throughout most of its area, public libraries are supported variously by municipalities, regional districts, regional library districts, or non-profit associations. One feature which most of these bodies have in common is an appointed library board, administratively separate from other aspects of local government, responsible for its own administration and for the setting of library policies on an autonomous local basis.

In 1988, 1,477,803 British Columbians, representing more than half of the provincial population, were being served by eighteen municipal public libraries, most of them located in the populous south-western corner of the province. Another 932,286 lived within the service areas of three regional library districts; while 163,528 were served by the Cariboo-Thompson Nicola Integrated Public Library System.

The forty-four non-profit public library associations provided services for another 227,023 individuals, while 10,863 had access to one of B.C.'s twenty small reading centres which are sponsored by local community organizations. In all, these local public library services were available to 2,811,503 residents of British Columbia, 97.38% of the province's total population.

To promote and support the activities of these local libraries and their administrative boards, the provincial government has created a Library Services Branch, which is delegated with the responsibility for administration of the Library Act. The Library Services Branch supports local libraries with a variety of direct and indirect services, including financial assistance totalling approximately 10% of all B.C. public libraries' operating expenses, provided through per capita and area based grants. The Branch also offers library services to individuals without access to a local public library.

In 1987, the New Approaches Task Force on Public Libraries conducted extensive hearings on the role of public libraries in British Columbia. They concluded as follows:

> In our view, public consultation has confirmed that the provision of public library service is a valued and essential service, deserving of local and provincial government support. We observed a strong sense of pride and commitment in libraries from the public, local governments, library trustees, library administrators, staff, and volunteers. The high demand for and use of public library service in the Province proves the value of this service as a catalyst for social and economic growth and achievement.

2. A BRIEF HISTORY OF B.C. PUBLIC LIBRARIES

Community-minded citizens and dedicated volunteers have always undertaken the necessary actions to initiate and maintain the public libraries of British Columbia. But the framework within which they have operated, and the conditions which have tended to facilitate or hamper their actions, have been determined by the exigencies of provincial government legislation.

By 1836, the first travelling library in the province had been initiated by Dr. John McLoughlin of Fort Vancouver. In 1859, a library was established in Fort Hope; 1864 brought the Cariboo Literary Institute and the Mechanics' Institute of Victoria, the forerunner of the present Victoria Public Library. The first municipal library in what is now British Columbia was established in New Westminster in 1865.

These early undertakings established the pattern for B.C. library development in the nineteenth century, when public libraries were most commonly founded by locally organized non-profit societies and financed from voluntary contributions or from borrowers' fees. Free library service was the exception rather than the rule in the days before public libraries were supported from public tax revenues.

The British Columbia Free Libraries Act of 1891, modelled on the 1882 Free Libraries Act of Ontario, was passed specifically to remedy this situation. This statute permitted communities to establish free public libraries, to be supported by a locally derived special tax and to be administered by a locally appointed board of trustees. Its intention was clearly and emphatically proclaimed in its text:

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> "Every library established under this Act shall be free to all residents and electors."

Unfortunately, the provisions of the Free Libraries Act soon proved inadequate to meet the needs of British Columbians residing outside the cities of Vancouver and Victoria. In some centres free Carnegie Libraries were established, with the stipulation that they must be supported locally with book and personnel grants equal to the amount donated for the building, a condition which often prevented small communities from accessing the Carnegie Foundation's largesse. To address this problem, in 1898, the Provincial Library inaugurated a province-wide system of travelling libraries to serve the rural areas of British Columbia.

In 1919, in response to widespread popular pressure, the Legislature passed a new Public Libraries Act. This created a Public Library Commission, whose function was the supervision of all public library services in the province. The Commission assumed responsibility for the travelling libraries, the apportionment of annual appropriations to municipal libraries, and the promotion of extension of library services. In addition, it encouraged the formation of new public library associations throughout the province.

In the years since 1919, the Public Libraries Act has undergone revisions, and has been renamed the Library Act; but it still remains the legislative basis for the operation of B.C.'s public libraries today. Details have been changed, but the philosophical foundations on which they are based has not shifted. That foundation is still predicated on the conditions and concerns governing library development in the province during the early years of the twentieth century.

However, within the limited parameters of the Public Libraries Act, some significant changes were made. In 1923, for instance, the Public Library Commission initiated a program of open shelf service, extending the principle of the travelling libraries by providing free books-by-mail service to any provincial resident who lacked convenient access to a public library.

Then, in 1927, the Commission sponsored a major province-wide survey of public library conditions and needs. The resulting document, British Columbia Library Survey, 1927-28, was so comprehensive that it served as a guidebook for provincial library activities for decades to come, augmented by updates in 1945, 1950, and 1956. One of its principal recommendations was the establishment of a rural library service, along the lines of the county library systems of the U.S. and the U.K. Since there were no counties in B.C., a new structure, the regional library district, had to be established in the province. The first demonstration project, conducted by Dr. Helen Gordon Stewart and funded by the Carnegie Foundation, resulted in the creation of the Fraser Valley Union Library in 1934, with headquarters in Chilliwack.

The success of this demonstration led to an important amendment to the Public Libraries Act, permitting the establishment of new Union District Libraries on the Fraser Valley model. Under its authority, two more such libraries, now the Okanagan Regional Library and the Vancouver Island Regional Library, were established in 1936. But they were the last of their kind: during the past fifty years, no new regional library districts have been formed.

Meanwhile, in 1931 the Commission had established its first regional branch office, the North-Central District Library in Pr ince George. It was followed by two

other regional branches, the Peace River Branch in Dawson Creek (1946) and the East Kootenay Branch in Cranbrook (1956).

During the mid-1930's, an important new philosophical force came into play; the concept of the "larger unit of service" for public libraries. Carleton Bruns Joekel's book, The Government of the American Public Library, was published in 1935. In it he proposed a regional base for public library agencies which would ignore local political boundaries. It was his belief that small rural libraries should be brought together to provide more efficient service to a larger population unit. These "larger units of service" would then be stacked in a functional hierarchy, with several such systems being linked to undertake still larger scale plans for cooperative library programming. Almost inevitably, this programming would require direction by a centralized administrative authority.

These concepts were illustrated in Rose Vainstein's 1963 "survey with recommendations", Public Libraries in British Columbia. "A basic consideration throughout the survey," she wrote, "has been the concept embodied in the present Public Libraries Act that no person should be penalized because of accident of residence." In the course of the survey, however, it became apparent that this was precisely what was happening. "By and large, those persons who live in urban areas, particularly in the lower mainland, are receiving better library service than those elsewhere in the province."

The solution Vainstein proposed involved dividing the province into thirteen large-scale library service areas, this being "the most practical means of providing adequate province-wide ... library service at the most economic cost to the taxpayer." But in 1965, a year before her report saw print, a new tier of local government was introduced -- the regional district. This soon replaced her proposed divisions as the organizational model considered most appropriate for regional library development.

In 1968 the Public Library Commission was renamed the Library Development Commission, acknowledging that its primary focus was now on the development of larger units of library service. To promote this process, the Public Libraries Act was amended to permit contractual arrangements between regional districts, and between differing types of libraries throughout the province, thus enabling the creation of large-scale integrated library systems.

The Commission's 1973 Programme for Library Development described its guiding vision for the reorganization of public library services. The entire province was to be "divided into library service areas using the regional district as the basic unit"; prescriptive "standards for library systems" were to be introduced, with provincial aid available only to those systems which conformed to them; and all public library systems were to be interconnected into a single province-wide information network "in order to make the full resources of the Province available to all residents".

The next year saw the establishment of the first in the Commission's proposed complex of integrated library systems, the Cariboo-Thompson Nicola Regional Library, headquartered in Kamloops. The 1973 program scheduled the establishment of a second such system and a province-wide information network for 1976; but neither materialized. The Cariboo-Thompson Nicola Library System

was destined to remain the only one of its kind.

In 1972 another amendment to the Act had been introduced, permitting the establishment of federated public library systems. Although this amendment has been characterized as "inadequate and unspecific", it gave rise to an Order in Council creating the Greater Vancouver Library Federation in 1975. This proved to be the last significant development in the Commission's thrust towards the large scale regionalization of library services in the province.

A gradual philosophical shift away from large-scale regionalization to an ideal of public library service based on local government was signalled legislatively in 1979, when all clauses in the Act identifying the Library Development Commission were repealed. In its place, the government was required to "appoint a qualified librarian as director" of an unnamed agency consisting of the "additional officers and servants necessary for this Act."

Two agencies were introduced that year to replace the Library Development Commission: the Library Advisory Council, which is no longer active, and the Library Services Branch, which is directly responsible for discharging the functions assigned to its Director under the Library Act.

Specifically, these functions are as follows: to "supervise the operation of this Act and promote and encourage the establishment and extension of public library services throughout British Columbia"; to "apportion the money annually appropriated by the Legislature for the aid of public libraries ... and of public bodies that are engaged in promoting library service and improving library standards"; and to "operate a system of library services to individuals and to communities which ... are not in a position adequately to organize local public library services or to become part of a larger unit of service". Present day services provided by the Library Services Branch will be described in a later section of this paper.

In 1987, the New Approaches Ministerial Task Force on Public Libraries was established, with a mandate "to review the provision and delivery of public library service in the Province of British Columbia". Its attention was focussed on five specific areas: "funding, organization and regulation, the Library Services Branch, a provincial resource library, and continuing opportunities for joint development".

The resulting recommendations were summarized in the preamble to the Task Force's final report, British Columbia's Public Libraries: A New Approach, issued in 1988. The Task Force offers an overview of the present status of public libraries in B.C., after some 70 years of governance under the provisions of the 1919 Public Libraries Act and its amendments:

> The New Approaches Task Force recognizes that it is neither practical nor desirable to completely restructure the provincial public library system, but ... some changes are required in specific areas in order to provide maximum service for the dollars being provided ...
>
> It is clear that the principal focus for growth and development of British Columbia's public libraries must be at the point of service -- the local library. We believe that each community should have library service which is consistent with its size and resources. The quality of local library service should be

determined by the residents of each community and there should be ample opportunity for residents to actively participate in the growth and operation of that service. To ensure that each community is committed to the provision of good library service, it is appropriate that a reasonable level of funding for the service be committed locally.

When libraries combine their resources, the service each of them is able to provide to their communities is substantially improved. This collective will to improve service works well when the initiative comes from the local communities. Conversely, when the direction comes from a large, autonomous, central organization, disputes over financing, control, and general administrative problems may detract from the result.

Our recommended objective, or "vision", therefore is to encourage the development of a strong library in each community and a co-operative approach amongst all libraries. We believe that this can be achieved only through local commitment and initiative coupled with provincial support, leadership, and co-ordination.

3. THE PRESENT NEED FOR REVISIONS TO THE LIBRARY ACT

The Library Act is the principle enabling legislation for the establishment and governance of public libraries and the development of public library services in British Columbia. It is a much amended version of the Public Libraries Act of 1919, and since that date, in one form or another, it has governed and shaped the development of public libraries and their services in British Columbia.

The original 1919 Public Libraries Act was tailored to the circumstances and needs of its time -- a time when there were still only a few communications links within the province, when the extension of library services into rural areas was the major matter of concern, and when libraries were still regarded almost exclusively as book and periodical repositories.

A series of amendments gradually transformed the Public Libraries Act of 1919 into the Library Act of today. The 1927 British Columbia Library Survey inspired the changes that permitted the establishment of the three regional library districts in the province. The Library Development Commission's 1973 Programme for Library Development, which heralded a drive for province-wide regionalization and centralization of public library services, gave rise to Section 41 of the Library Act, under which B.C.'s integrated public library system, the Cariboo-Thompson Nicola Library, was established.

As long ago as 1963, Rose Vainstein, in her Public Libraries in British Columbia: A Survey with Recommendations, declared, with a rare outburst of italics: "It is not part of the purpose of this report to write a new act. However, in the opinion of the surveyor, the Act might well be considered in the light of two basic principles: clarity and the need to provide for new situations. ... The present Act is basically sound, and has stood the test of time well, but in view of the other recommendations of this report, it would seem that a complete revision cannot be long delayed."

In 1986, the British Columbia Library Association passed the following judgement on the Act in its current form: "The present legislation remains inadequate in the following areas: the responsibilities

and authority of a provincial library agency; accessible and equitable province-wide library service; and development of automated support systems and information networks, to identify only the most obvious revisions urged by the Association."

Two years later, in 1988, the New Approaches Task Force declared: "A significant number of submissions to the Task Force requested substantial revisions to the Library Act. It is our view that the Act is in need of major revision." The final report of the New Approaches Task Force summarized its relevant recommendations as follows:

- affirm the principle of free basic public library service;
- introduce a more consistent approach in setting out the powers and duties of public library boards;
- assign the powers and duties of a board of school trustees in a regional library district to the board(s) of the regional district(s) in which the school district is situated;
- establish a new model for the organization of regional district library service (integrated public library system);
- make library boards more accountable to local governments;
- give the Minister the power to make regulations under this Act;
- update the language.

The Act now offers a confusing multiplicity of six different organizational models for library services in a municipality with a population of over five thousand. It provides no definition for the matters subject to regulation under it. In addition, various minor but troubling ambiguities have crept into the Act.

In order to retain the necessary flexibility for it to be applicable in the years ahead, it is essential that legislation not be too detailed or specific. Rose Vainstein observed: "The few weaknesses of the present Act are most serious precisely in those areas where a law, now some decades old, has specified matters which might better have been left to regulations." In drafting a new version of the Library Act, it is important to avoid repeating this mistake.

On the other hand, as Lois M. Bewley observed in her 1981 study, Public Library Legislation in Canada: A Review and Evaluation, there are certain areas in which it is important that legislation be clear and specific. In particular, as she points out: "If the public library is to remain legally responsible and accountable for library service -- then it must also be granted, under the law, an authority commensurate with its accountability."

In general, the language of the current Library Act needs to be simplified and modernized -- to be made, in the words of the New Approaches Task Force, both "current and concise".

Another relevant observation was made by Vainstein: "Legislative duplication and priorities are another prominent matter. ... Elimination of involvement with other agencies, such as the Registrar of Companies, would strengthen the Public Libraries Act, and so, by the same token, would some clear statements about jurisdiction in areas of conflict between this Act and other provincial legislation." In the case of the current Library Act, legislative linkages with the Municipal Act need to be clarified, and the structural models for

library services in the province aligned with the organization of local government.

The question is not whether the Library Act requires revision, but just how far-reaching that revision should be. Here, perhaps, Rose Vainstein should have the last word:

> There would be nothing wrong, either, in having the ... Act break new ground hitherto untouched by other legislation. The road undoubtedly would be beset with obstacles, but pioneering has long been a characteristic of public library service in British Columbia.

4. PRINCIPLES GOVERNING PROPOSED REVISIONS TO THE LIBRARY ACT

In a period of unprecedented change, a common guiding vision for high quality library service of the future is needed. To this end, we must reassess and reaffirm the basic principles of public library service in the context of society's needs during the final decade of the twentieth century.

Public libraries are agencies of the entire community, and as such they have a duty to serve that community in its entirety --meaning everyone who can use the library's services to advantage. The need, as Whitney North Seymour, Jr. and Elizabeth N. Layne put it, "is for an affirmative ... policy of public library service to ensure that library resources will be available in a meaningful way to all who need them, rather than simply to those who know how to seek them out."

As the government responsible for the development and enforcement of public library legislation, it is incumbent upon the province to provide a legislative framework within which public libraries and library systems can effectively address local conditions and needs.

The single most important principle upon which future public library legislation will be based is that:

> **The resources of British Columbia's public libraries are a public good, and all impediments to free public access to these resources should be minimized.**

All British Columbians, regardless of geographic location, race, and social or economic circumstances, are entitled to free and equitable access to high-quality information services and materials. Access to the resources and basic services of all public libraries should be provided without barriers or charges.

> **The province and local government are partners in supporting public libraries. The role of the Province is to facilitate equal access to library resources throughout British Columbia; the role of local government is to provide a library infrastructure that is sufficiently flexible, responsive, and accountable to determine and meet the unique library needs of the local community.**

The province will continue to provide support to public libraries in the form of financial assistance, training, consultation, technical services and special materials. In addition, it will act as a coordinating agency in the implementation of province-wide resource sharing among public libraries. But the local public library will remain the primary agency in delivering library services and providing materials.

> **Appointed library boards, independent policy-making bodies**

responsible to local government in fiscal matters, are ideal public library authorities.

Above all, the public libraries of British Columbia must be accountable to the public which funds and supports them. The cornerstone of this accountability is a clear and specific definition of purpose and of responsibility to the community which is served. At the same time, public libraries must be empowered with authority commensurate with their accountability. British Columbians have the right to participate in determining the nature and quality of local public library services, and should have an opportunity to participate actively in the operation and growth of those services.

The informational, educational and cultural resources of British Columbia's public libraries should reflect the diversity of its people.

Public libraries will continue to provide the services and materials which enable all residents of British Columbia to access the information and skills which they require to participate fully in contemporary society. Public libraries will continue to provide its users with impartial access to information representing a variety of viewpoints; to provide materials in support of lifelong learning activities for library users at all ages and stages of life; and to to make available informational, educational, and cultural resources reflecting the full diversity of the province's ethnic and cultural groups.

The options for library governance should include both single and multi-jurisdictional models.

Public library service should be consistent with the size and resources of the local community, as an essential part of local government services. Where larger units of service have been established or are desirable, regional districts and municipalities should be provided with clear guidelines for cooperation in the delivery of local library services.

5. THE PROVINCIAL LIBRARY AGENCY

British Columbia was among the Canadian pioneers in establishing a provincial public library agency. Since the first B.C. public library legislation of 1919, statutory provision has been made for the existence of a provincial agency.

In the 79 years since it was first established as the Public Library Commission, the role of the Library Services Branch has evolved to meet the changing needs of the community it serves. In the early years, the Commission was responsible for the design of a broad program for library development throughout the province, including the establishment of a service to people in remote areas, promotion and support of three regional library districts, and assistance to all public library organizations.

More recently, the activities of the Library Services Branch have expanded to include support to public libraries through funding, expert consultation, training, interlibrary loan, special collections and technical services; facilitation of information sharing among B.C. public libraries; provision of special materials for clients with special needs; promotion of public libraries throughout the province; and the provision of leadership at a provincial and national level on all issues which affect libraries.

The client groups of the branch include public libraries of all types; community

reading centres, the British Columbia Library Association; the British Columbia Library Trustees Association and individuals living in areas unserved by a local public library. The current library legislation in British Columbia provides for the existence of almost 300 individual public library facilities, made up of reading centres, public library associations, municipal public libraries, regional library districts and an integrated public library. In addition, Section 40.1 of the Library Act allows two or more library boards to establish a federated public library system to provide common services, while member libraries retain responsibility for local services. Eight municipal public libraries, serving close to one million residents of the lower mainland, participate in a federated public library system.

When examining the role of the Library Services Branch, the New Approaches Task Force on Public Libraries reported that: "large and small public libraries throughout the Province have expressed strong support for the valuable services offered by the Library Services Branch. It was indicated, however, that some of these services may no longer be appropriate, and that some may be delivered more effectively by other means. To accommodate the changing needs of the public library community in the Province, it is necessary to define a new role for the Library Services Branch approaching the 1990s."

Although many of the recommendations of the Task Force have been acted upon and the mission of the branch has been redefined, the legislation has not yet been updated to provide for the changing role of the branch. The Library Act reflects that period of time when the L.S.B. was preoccupied with the development of library services. The branch is now primarily an agent of facilitation. Since over 97% of the population of British Columbia has access to a public library, direct library services to individuals are no longer a major activity of the branch. Libraries serving more than 10,000 people now provide acquisitions, cataloguing and processing services for themselves. A province-wide interlibrary loan network established in 1989/90 has linked seventy public libraries through electronic mail, making inter-library communication more accessible and rapid.

Just as the role of the public library has changed, so has its provincial agency of support. For the Library Services Branch to remain responsive to the needs of its client group, it must be provided with the flexibility to plan effectively and to introduce new programs and services.

One means to achieving flexibility is through the use of regulations to support a statute. In most other provinces, library legislation includes both a statute and regulations. Regulatory powers allow the Minister to assume many of the general powers presently exercised by the Lieutenant Governor in Council. Through its regulatory authority, the province can establish funding levels, oversee the operation of community reading centres, institute new programs, execute surveys, provide guidance for cooperative initiatives among libraries and set minimum standards of service for public libraries. As the Minister responsible for public libraries is empowered to make regulations under Section 43 (d) of the Library Act:

It is recommended that the regulatory authority of the Minister be introduced in an early section of the legislation and that, in areas

requiring flexibility, regulations in support of the Library Act be drafted.

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The present Library Act provides for the appointment of a Library Advisory Council by the Lieutenant Governor in Council at the recommendation of the Minister. This amendment was made in 1978 when the administrative responsibilities of the Library Development Commission were transferred to the Minister. The Library Development Commission, which was the successor of the Public Library Commission, had been made up of five persons, appointed by the Lieutenant Governor in Council, for a term of three years. The Commissioners were chosen for their demonstrated interest in libraries and education, and for their familiarity with British Columbia, its geography, demographics, economy, and cultural activity.

Since the Library Services Branch was established in 1978, no Advisory Council has ever been formally appointed. In recent years, the Minister, through the Library Services Branch, has elected to use small advisory groups brought together to provide him with advice on special projects and programs. This approach has permitted the Minister to access the library specialists most appropriate for each particular initiative and has ensured the participation of a broad representation of the library community on matters of provincial importance.

It is recommended that the Minister continues to request assistance from special advisory groups as required and that previous references to a Library Advisory Council be deleted from legislation.

A major purpose of the Library Act is to specify the roles of the various partners in library service. The role of the provincial agency is an important one and should be clearly described in statute or in regulation.

As defined in Chapter 57 of the Statutes of Ontario, Public Libraries Act, 1984, the objective of the provincial public library agency is to deliver programs and services on behalf of the Minister by:

> "increasing co-operation and co-ordination among public library boards and other information providers in order to promote the provision of library services to the public; and assisting public library boards by providing them with services and programs that reflect their needs, including consultation, training and development services."

It is recommended that B.C. library legislation provide a statement of purpose for the Library Services Branch.

6. PUBLIC LIBRARY ASSOCIATIONS

Public library associations were introduced with the passage of the Public Libraries Act in 1919. They are non-governmental organizations similar to societies, managed by a board elected from the associations' membership. Any local resident may become a member, but membership may be subject to payment of an annual fee.

While their management structure has changed little over the past seventy years, public library associations have become almost totally dependent on public funding. Province-wide, over 90% of their income comes from government grants, three-quarters of which are made by municipalities and regional districts.

In 1982, the Library Act was amended to give municipalities and regional districts funding public library associations the

power to appoint one member of the board of management, but the predominantly elected board remains under the control of the association membership.

In an article in the January, 1959 issue of the British Columbia Library Quarterly, the Superintendent of the Public Library Commission, Robert L. Davison, summarized the Commission's view of public library associations:

> Ideally, in terms of the Commission's hopes and efforts, the formation of a public library association is but a stepping-stone to later development along regional or municipal public library lines.

In 1990, forty-eight public library associations are in operation - five more than at the time the above article was written.

With public libraries now serving more than 97% of the population and local government funding of library service the norm, the time is right to consider the phasing-out of this "stepping-stone", in favour of other models of library governance more within the mainstream of local government organization.

In 1988, the New Approaches Task Force made a number of recommendations for changes to the Library Act, including affirmation of the principles of free basic public library service and accountability of library boards to local government. In these areas, public library associations remain out of step with other types of public libraries.

One area in which the public library association model is consistent with the Task Force philosophy is its focus on local service. Recognizing the limited success of the regional library movement in B.C., the Task Force abandoned support for the larger unit of service in favour of community-based library authorities: "We believe that each community should have library service which is consistent with its size and resources."

Finally, there is concern regarding the relationship of public library associations with regional districts and municipalities. Under the Municipal Act, a municipal council may, by resolution, participate with other municipalities and electoral areas to fund a public library association and may only withdraw from such an arrangement with the approval of two-thirds of the regional district directors representing the participating municipalities and electoral areas. The option to become a municipal library is thus conditional on the approval of elected officials representing persons outside of the municipality.

Through revisions to the Library Act, the anachronistic structure of the public library association can be addressed these ways:

It is recommended that no additional public library associations be established.

It is recommended that municipalities of any size be permitted to establish a municipal public library through passage of an establishing by-law alone.

It is recommended that the power of public library associations to charge membership fees be eliminated.

It is recommended that a public library association be required to maintain a record of current membership.

It is recommended that, where a municipal council or regional district

provides by way of a grant at least 25% of the total funds, excluding provincial grants, which are at the disposal of the public library association, that the public library association be required to submit its accounts to be audited by the municipal or regional district auditors in the same manner and at the same time as the accounts of the municipality or regional district.

It is recommended that the members of a board of a public library association be subject to the same rules of qualification, conduct, terms of appointment and meeting frequency as municipal public library board members.

7. MUNICIPAL PUBLIC LIBRARIES

Incorporated municipalities, the major form of local government for densely settled areas, predate the merger of the Colonies of Vancouver Island and British Columbia. In 1860, the Colony of British Columbia incorporated its capital, the City of New Westminster. And it was there, in 1865, that British Columbia's first municipal public library was established.

Since the beginning of the public library movement, the principal pattern for public library organization has been that of a single library servicing one autonomous and local jurisdiction. Municipal public libraries, supported from municipal revenues, have been established under Part Three of the Library Act, following passage of a municipal by-law. Eighteen municipal public libraries serve more than half of the total provincial population.

Although municipal public libraries are responsible for only 61 of the 295 public library service points in British Columbia, these libraries hold more than 4 million of the 6.7 million volumes held in B.C.'s public libraries. British Columbia's public libraries employ 309 full-time professional librarians; of these, 234 are employed by municipal public libraries. In 1988, total income for all types of B.C. public libraries was almost $65 million: municipal public libraries received approximately $42 million of this total income. And, of all expenditures made by public libraries, municipal public libraries were responsible for 65% of the total.

The municipal public library has had many advantages over the various other organizational models in British Columbia. It has typically existed in the most populous areas with solid local tax base. Legislation for municipalities has allowed a wide range of functions, including public libraries. The clientele of municipal public libraries is geographically more accessible than for regional libraries or public library associations with large catchment areas. Staffing and recruitment are more easily handled in metropolitan areas and the lower mainland public libraries have benefited from their proximity to the School of Library, Archival and Information Studies at the University of British Columbia.

Eight municipal public libraries in the lower mainland have been further advantaged through their voluntary participation in the Greater Vancouver Library Federation. The Library Act was amended in 1980 to allow two or more library boards to agree to provide or maintain a federated public library system in the areas served by those library boards and the Greater Vancouver Library Federation was retroactively brought under Section 40.

The weaknesses of the present Library Act have been less apparent in those sections relating to the operation of municipal public libraries. Other than for changes of a housekeeping nature, there has been little demand for revisions to Part Three of the Library Act. As in all other parts of the Library Act, the language is sometimes unclear and modernization should make it more understandable. The recommendations which follow are intended to strengthen the organizational structure of the municipal public library:

It is recommended that the requirement for a population of not less than 5,000, be deleted and that municipalities of any size be permitted to establish municipal libraries.

To give Council authority to establish a municipal library, similar to its existing authority, under the Municipal Act, to enter into a library service agreement with a regional district on behalf of the municipality:

It is recommended that the requirement to submit the municipality's establishing by-law to the assent of the electors be deleted.

To make terms of office for library board members consistent with municipal terms of office:

It is recommended that terms of office for board members be extended to three years, for a maximum of nine consecutive years.

To strengthen the public library board and to ensure the active participation of all of its members:

It is recommended that Council be assigned power to dismiss a library board appointee who misses three consecutive meetings.

To provide library boards with the flexibility needed to accommodate summer holidays and accepted local practice:

It is recommended that the board be required to meet six times a year, rather than once in every sixty days.

To encourage the formation of municipal public libraries and the development of federated library systems:

It is recommended that regulations be drafted to provide financial incentives for the establishment of municipal public libraries and cooperative federated library systems.

8. REGIONAL LIBRARY DISTRICTS

Regional library districts are special purpose jurisdictions made up of municipalities and school districts which provide library service over broad geographical areas. Established in the 1930s, they predate regional districts. The school district's role is to provide representation for rural residents. Regional library districts are established under Part 4 of the Library Act and changes in their boundaries and membership are through Orders in Council.

The Fraser Valley Regional Library, the Vancouver Island Regional Library and the Okanagan Regional Library are the three regional library districts in British Columbia. They are large, highly integrated organizations, with a well established record of community service extending back over fifty years. Each has a wholly owned headquarters facility, an extensive network of branch libraries and a

large and well trained staff working in a highly automated environment. While it is clear that these organizations are efficient and effective providers of library service, there has been growing concern over their costs. Municipalities are frustrated by their apparent inability to control increasing costs and have requested relief in the form of new library legislation.

At the same time, regional district library surveys show general public contentment with service and the withdrawal or the threat of withdrawal of municipalities from regional libraries has been a relatively rare occurrence. While it is clear that the regional library district no longer reflects the nature of local government in B.C. and long ago ceased to be a model on which future regional development can be based, there is little to be gained by its abolition. Massive dislocation would result and in some areas library service would be unlikely to return to previous levels. A moderate reformist approach is called for, one which balances the continued viability of the regional district with the demand for a stronger role for local government in its governance.

Under the present Library Act, regional library districts are governed by a board of management consisting of representatives of the municipalities and school districts comprising each regional library district. The representatives may be council or school board members or any other person selected from among the electors of the constituent jurisdiction. Although the Act does not provide explicit direction, the prevailing legal opinion is that, once appointed under the Library Act, a library board representative is not bound by instructions which might be received from the appointing body and that the appointment cannot be revoked.

Regional library districts are distinct corporate entities with powers to requisition operating funds from municipal councils and from the Surveyor of Taxes on behalf of rural residents. Their budgets are approved by a simple majority of the votes cast by the members of the board. Voting power is established on a weighted vote basis. Taxes collected on behalf of the regional library district by municipalities come from general revenue and do not appear on tax notices.

A municipality or school district withdrawing from a regional library district is not entitled to any right, title or interest in the assets, including all books, of the board of management of the regional library district.

Fundamental attributes of regional library district governance are a high degree of autonomy, power to requisition funding, and highly centralized decision-making remote from the public being served. The challenge facing the Province is to adopt legislation that provides a better balance between the interests of large, multi-jurisdictional units of library service and the many, often conflicting interests of their constituents than is currently available under Part 4 of the Act. The following recommendations address the issues of accountability, representation on the board, funding formulas and budget decisions. To increase fiscal accountability to the public:

It is recommended that passage of a regional library district budget require a majority of municipal votes cast in addition to a majority of all votes cast.

It is recommended that the Library Act be amended to permit the use of a public counter-petition to recall a budget and require its ratification by plebiscite.

It is recommended that the regional library district levies be listed separately on tax notices.

The requirements of the current Library Act make withdrawal from a regional library district impractical under all but the most severe circumstances. In doing so, the Act prevents serious consideration of local delivery of library service as an option. Amendments must be designed to preserve the existing regional library districts while providing a process for opting out if absolutely necessary. To provide an option for local delivery of service:

It is recommended that, in the event of withdrawal by a regional library district constituent, if there is no agreement on the disposition of assets, the Minister will appoint an arbitrator with the cost of binding arbitration to be borne by the withdrawing constituent.

The New Approaches Task Force on Public Libraries proposed that school district representatives on regional library district boards should be replaced with regional district representatives. Although the replacement of school district representatives may mean the loss of a unique perspective on the board, it should be noted that both regional district boards and school district boards are made up of elected officials. As regional districts are divided into electoral areas, the possibility of direct public accountability by a single regional district representative is precluded. But, a notable advantage of the substitution of regional district appointees is the reduced size of the library board which will result. In order to bring regional districts into a library service partnership with municipalities more consistent with practice elsewhere:

It is recommended that school district appointees to regional library district boards be replaced by regional district appointees.

It is recommended that appointments to regional library district boards be aligned with the three year term of elected office and that the maximum length of service be set at nine years.

It is recommended that the provision for adjudication of funding formula disputes, by the Minister responsible for public libraries, be deleted, and replaced with instruction to base the formula on population, in the absence of unanimous agreement of the members of the Board as to how expenditures are to be charged to constituent units.

It is recommended that the provision for remittance of federal grants-in-lieu, a chronic source of conflict and confusion, be clarified.

It is recommended that regional library districts be empowered to engage in long term borrowing.

It is recommended that regional library districts be empowered to appoint their own auditors and that auditing be performed to municipal standards.

9. REGIONAL DISTRICT LIBRARY SERVICE

With the recent revisions to the Municipal Act, options available to regional districts for participation in public library service are:

a. establishment of a library under the authority of the Municipal Act alone;

b. grants-in-aid;

c. contribution service, that is, a commitment to provide operating funds for a library established under the Library Act;

d. operation of an integrated public library system under Section 41 of the Library Act; and

e. operation of a library with all of the powers of a municipal library under Part 3 of the Library Act.

These options can be reduced in number by eliminating redundant models and by strengthening the linkages between the Library Act and the Municipal Act.

It is recommended that the power to establish a library outside of the authority of the Library Act be withdrawn.

It is recommended that the integrated public library system model be abandoned in favour of a regional district library based on the municipal model, in which the regional district would be assigned the powers of a municipality under Part 3 of the Library Act, with all municipalities and electoral areas in the regional district as participating members.

Under this organizational model, the regional district library will be administered by an independent library board, appointed and funded by the regional district. There will be no limit on the cost of the service, except that established annually by the regional district board of directors. Provisions will be made for two or more regional districts to jointly operate a regional district library and to make appointments to a joint board.

The regional district library based on the municipal library model is consistent with the general practice of library governance by an independent, but accountable, library board. The board would be made up of from seven to thirteen members, one of whom would be the chairman of the regional district or his representative and the balance appointed at large. The board would be required to meet six times per year. It would have no power to own real property.

Implementation of the above recommendation will require restructuring governance of the Cariboo-Thompson Nicola Library System.

Under these recommendations, the option for regional district participation in public library service will be reduced to three: provision of grants-in-aid; contribution service on behalf of part or all of a regional district; and operation of a regional district library alone, or jointly with one or more regional district.

10. CONCLUSION

In making amendments to the Library Act, the language must be updated and, in the interest of increased clarity, standard English should be used wherever possible. Uniformity will be sought in assigning powers and duties to library boards. All public library boards will be required to provide the Minister with such information as he may require; auditing requirements will be standardized; the required number of meetings will adjusted to six per year for all library boards except the regional library districts.

Uniform rules of appointment will be introduced to apply to all library boards, including qualifications for appointment. The autonomy of a representative appointed by a municipal council or a regional district board will be made explicit. Appointments to all library boards will be aligned with the three year term of elected office and the maximum length of service will be set at nine years. Uniform rules for disqualification after missing three consecutive meetings or violating conflict of interest guidelines will also be introduced. Section 33(5):

> "No member of the board of management shall be interested directly or indirectly, in a contract entered into or authorized by the board of management",

will apply to all public library board members.

Persons employed by the library board or by the municipality or regional district will not qualify for membership on appointed public library boards. Section 40(2) will be amended to permit a regional district board to make additional appointments to a library board with which it has an agreement for service.

Section 39 will be amended to ensure free admission to every public library, free use of the materials therein and free use of circulating materials, as defined by regulation, and free use of other services, as defined by the board.

The primary objective of all of the preceding proposals for revisions to the Library Act is to empower local public libraries to provide the citizens of British Columbia with the finest possible public library service.

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Ballard, Thomas H. The Failure of Resource Sharing in Public Libraries and Alternative Strategies for Service. Chicago, American Library Association, 1986.

Bewley, Lois M. Public Library Legislation in Canada: A Review and Evaluation. Halifax, N.S., Dalhousie University and Dalhousie University School of Library Service, 1981.

Bish, Robert L. Local Government in British Columbia. Victoria, The Union of British Columbia Municipalities in cooperation with the University of Victoria School of Public Administration, 1987.

British Columbia's Public Libraries: A New Approach. The Final Report of the New Approaches Ministerial Task Force on Public Libraries. Victoria, Ministry of Tourism, Recreation and Culture, 1988.

Foran, Bryan, & Linda Fritz, eds. Echo Valley Library Forum: November 3-6, 1988. Proceedings. Regina, Saskatchewan Library Association, 1988.

Getz, Malcolm. Why Public Libraries? Edmonton, Alberta Culture Library Services Branch, 1985.

Haiven, Judith, ed. Libraries 2000: A Seminar to Re-Examine the Function and Future Development of Libraries in Alberta. Edmonton,

Alberta Culture Library Services Branch, 1984. [We particularly acknowledge the contributions by Elaine Blakey, Sue Dutton, Bettie Hewes, Madge McGown, Frank MacKinnon, Marlene Mortimore, Diane Osberg, and Paul Wiens.]

Holmes, Marjorie C. Library Service in British Columbia: A Brief History of Its Development. Victoria, Public Library Commission of British Columbia, 1959.

Ley, Ronald. A Brief History of the Fraser Valley Regional Library and an Outline of the Library System ... Abbotsford, Fraser Valley Regional Library, 1971.

Looking Ahead: Summary of the Strategic Plan for the Library Services Branch, 1989-1992. Edmonton, Library Services Branch, Cultural Development Division, Alberta Culture and Multiculturalism, 1989.

Opening the Doors to Lifelong Learning: Empowering Undereducated Adults. Report of the Provincial Literacy Advisory Committee to The Minister of Advanced Education, Training and Technology. Victoria, Ministry of Advanced Education, Training and Technology, 1989.

Seymour, Whitney North, & Elizabeth N. Layne. For the People: Fighting for Public Libraries. Garden City, N.Y., Doubleday, 1979.

Urban Dimensions Group, Inc. Project Progress: A Study of Canadian Public Libraries. Ottawa, Canadian Library Association, 1981.

Vainstein, Rose. Public Libraries in British Columbia: A Survey with Recommendations. Victoria, Public Libraries Research Study, British Columbia, 1966.

Woodland, Alan, & Ellen Heaney, eds. British Columbia Libraries: Historical Profiles. Vancouver, The British Columbia Library Association, 1986.